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NOTICE OF ALLOWANCE AND FEE(S) DUE

89137

7590

09/24/2009

Allen, Dyer, Doppelt, Milbrath & Gilchrist - RIM
255 S. Orange Avenue
Suite 1401
Orlando, FL 32801

EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 09/24/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,479	03/01/2004	Darrell Reginald May	85002	9515

TITLE OF INVENTION: COMMUNICATIONS SYSTEM PROVIDING AUTOMATIC TEXT-TO-SPEECH CONVERSION FEATURES AND RELATED METHODS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	12/24/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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89137 7590 09/24/2009
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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10790,479 03/01/2004 Darrell Reginald May 85002 9515

TITLE OF INVENTION: COMMUNICATIONS SYSTEM PROVIDING AUTOMATIC TEXT-TO-SPEECH CONVERSION FEATURES AND RELATED METHODS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	12/24/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
RAMPURIA, SHARAD K	2617	455-466000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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RAMPURIA, SHARAD K

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/790,479

Examiner

SHARAD RAMPURIA

Applicant(s)

MAY ET AL

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/15/09.
2. ☒ The allowed claim(s) is/are 1-5, 7, 9-11, 14, 16-18, 20-22 (renumbered as 1-16 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Sharad Rampuria/
Primary Examiner, Art Unit 2617

DETAILED ACTION

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John Woodson II (Reg. No. 45,236) on 09/15/09

DRAFT

The claims have been amended as follows:

Claim 13 is cancelled.

1. (Currently amended) A mobile wireless cellular communications device comprising:

a wireless cellular transceiver and a controller for cooperating therewith for receiving text messages from a wireless communications network; and

a headset output connected to said controller;
said controller for

switching between a normal message mode and a hands-free audio message mode based upon a connection between said headset output and a headset, and

when in the audio message mode, outputting via said headset output ~~an~~ at least one audio message comprising speech generated from ~~at least one of the~~ a received text message ~~messages~~ via said headset output;

said controller being settable to an override mode in which said controller remains in the audio message mode irrespective of a connection between said headset output and the headset;

said controller also for generating a conversion request for converting the received text message to the audio message, and cooperating with the wireless cellular transceiver to forward the conversion request to the wireless communications network and receive the audio message from the wireless communications network based thereon.

2. (Original) The mobile wireless communications device of Claim 1 wherein said headset output comprises a wireless headset output for establishing a wireless connection with the headset.

3. (Original) The mobile wireless communications device of Claim 1 wherein said headset output comprises a headset jack for a wired headset.

4. (Original) The mobile wireless communications device of Claim 1 further comprising a user interface device connected to said controller, and wherein said controller switches to the audio message mode based upon an audio message mode command provided by a user via said user interface device.

5. (Original) The mobile wireless communications device of Claim 4 wherein said user interface device comprises a keypad connected to said controller.

6. (Cancelled).

7. (Currently amended) The mobile wireless communications device of Claim 1 further comprising a display connected to said controller for displaying the received text messages.

8. (Cancelled).

9. (Currently amended) A cellular communications system comprising
~~at least one~~ mobile wireless communications device comprising
a wireless cellular transceiver and a controller for cooperating therewith for receiving text messages, and
a headset output connected to said controller,
said controller for
switching between a normal message mode and a hands-free audio message mode based upon a connection between said headset output and a headset, and
when in the audio message mode, outputting via said headset output an ~~at least one~~ audio message comprising speech generated from ~~a~~ ~~at least one of the~~ received text message ~~messages~~ ~~via said headset output~~; and
a wireless cellular communications network for sending the text messages to said at least one mobile wireless communications device;
said controller being settable to an override mode in which said controller remains in the audio message mode irrespective of a connection between said headset output and the headset;

said controller also for generating a conversion request for converting the received text message to the audio message and cooperating with the wireless cellular transceiver to forward the conversion request to said wireless communications network;

said wireless cellular communications network receiving the conversion request and further comprising a text-to-speech module for converting the received text message to the at least one audio message, and wherein said wireless communications network sends the audio message to said at least one wireless communications device.

10. (Original) The communications system of Claim 9 wherein said headset output comprises a wireless headset output for establishing a wireless connection with the headset.

11. (Original) The communications system of Claim 9 wherein said at least one wireless communications device further comprises a user interface device, and wherein said controller switches to the audio message mode based upon an audio message mode command provided by a user via said user interface device.

12. (Cancelled).

13. (Cancelled).

14. (Currently amended) The communications system of Claim 9 wherein said at least one mobile wireless communications device further comprises a display connected to said controller for displaying the received text messages.

Claim 15 (Cancelled).

16. (Currently amended) A method for using a mobile wireless cellular communications device comprising a headset output, the method comprising:

- receiving text messages from a wireless cellular communications network;
- switching between a normal message mode and a hands-free audio message mode based upon a connection between the headset output and a headset;
- generating a conversion request for converting a received text message to an audio message comprising speech generated from the received text message;
- forwarding the conversion request to the wireless cellular communications network and receiving the audio message from the wireless communications network based thereon;
- when in the audio message mode, outputting the at least one audio message ~~comprising speech generated from at least one received text message~~ via the headset output; and
- selectively setting the mobile wireless communications device to an override mode in which the mobile wireless communications device remains in the audio message mode irrespective of a connection between the headset output and the headset.

17. (Original) The method of Claim 16 wherein the headset output comprises a wireless headset output for establishing a wireless connection with the headset.
18. (Previously presented) The method of Claim 16 wherein the mobile wireless cellular communications device further comprises a user interface device connected to the controller; and further comprising switching to the audio message mode based upon an audio message mode command provided by a user via the user interface device.
19. (Cancelled).
20. (Currently amended) A computer-readable medium for use with a mobile wireless cellular communications device comprising a headset output, the computer-readable medium having stored thereon computer-executable instructions for causing the mobile wireless communications cellular device to perform steps comprising:
- receiving text messages from a wireless cellular communications network;
 - switching between a normal message mode and a hands-free audio message mode based upon a connection between the headset output and a headset;
 - generating a conversion request for converting a received text message to an audio message comprising speech generated from the received text message;
 - forwarding the conversion request to the wireless cellular communications network and receiving the audio message from the wireless communications network based thereon;

when in the audio message mode, outputting ~~via the headset output at least one~~ the audio message ~~comprising speech generated from at least one received text message~~ via the headset output; and

selectively setting the mobile wireless communications device to an override mode in which the mobile wireless communications device remains in the audio message mode irrespective of a connection between the headset output and the headset.

21. (Original) The computer-readable medium of Claim 20 wherein the headset output comprises a wireless headset output for establishing a wireless connection with the headset.

22. (Currently amended) The computer-readable medium of Claim 20 wherein the mobile wireless cellular communications device further comprises a user interface device connected to the controller; and further having stored thereon ~~comprising~~ computer-executable instructions for causing the mobile wireless communications device to perform a step comprising switching to the audio message mode based upon an audio message mode command provided by a user via the user interface device.

23. (Cancelled).

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Claims 6, 8, 12-13, 15, 19, 23 are cancelled.

Claims 1-5, 7, 9-11, 14, 16-18, 20-22 (renumbered as 1-16 respectively) are patentable.

The entire prior-art combination **disclosed** (in previous office-action of this case) fails to anticipate or render the claimed limitations in combination with all the recited limitations of the disclosed independent claims obvious (**viewed the entire claim as a whole**), over any of the prior art of record, alone or in combination.

Consequently, the disclosed independent claims are allowed on behalf of above-discussed reasons, and also preserved via Applicants arguments and remarks filed on 06/08/2009 as well. Since the disclosed dependent claims are dependant on one of the above independent claims, therefore they are also patentable.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sharad Rampuria/
Primary Examiner
Art Unit 2617